

IN THE UNITED STATES DISTRICT COURT  
FOR THE Southern DISTRICT OF TEXAS  
Corpus Christi DIVISION

Judge's  
copy

United States Courts  
Southern District of Texas  
FILED

JAN 17 2003

Rodney W. Saylor #505009

Plaintiff's name and ID number

McConnell Unit Beeville, TEX 78102

Place of Confinement

Michael R. Milby, Clerk of Court

CASE NO:

**C-03-024**

(Clerk will assign the number)

VS.

E. KENNEDY = ASS WARDEN

Defendant's name and address

3001 So. Emily DR Beeville, TEX 78102

RICHARD MORRIS = MAJOR

Defendant's name and address

3001 So. Emily DR. Beeville, TEX 78102

RENE MALDONADO = CAPTAIN

Defendant's name and address

(DO NOT USE "ET AL.")

3001 So. Emily DR. Beeville, TEX 78102

RAYMOND G. ALEMENDAEZ = Lt.

3001 So. Emily DR. Beeville, TEX 78102

I. PREVIOUS LAWSUITS:

A. Have you filed any other lawsuits in state or federal court relating to your imprisonment? X YES    NO

B. If your answer to "A" is "yes", describe each lawsuit in the space below.

(If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, giving the same information.)

1. Approximate date of filing lawsuit: August 9<sup>th</sup> 1996

2. Parties to previous lawsuit:

Plaintiff(s)

RODNEY W. SAYLORS VS.

Defendant(s)

JAMES COLLINS

3. Court (If federal, name the district; if state, name the county) CORPUS CHRISTI

4. Docket Number: C-96-398

5. Name of judge to whom case was assigned: JANIS GRAM JACK

6. Disposition: (Was the case dismissed, appealed, still pending?)

Plaintiff Dismissed

7. Approximate date of disposition: SEPT 15<sup>th</sup> 1996

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## Additional Defendants.

First Shift A-CARD

4. ~~RAYMOND G. ARMANDO DAREZ~~ "Lt,"
5. ANDROS Gallegos "Sgt,"
6. #1 White male — John Doe
7. #2 White male — John Doe
8. Lucy Martinez — Nurse
9. Christopher W. Smith call
10. TERESA CHAVARRIA call
11. \_\_\_\_\_ Martinez

Second Shift

J. Garcia "Lt," A-CARD  
A. ARMANDO "Sgt," A-CARD

Second Shift B-CARD

Michael Shau CAPT,  
 Belinda Barbeke Sgt.

All defendants are located at the address of M<sup>c</sup> Connell Unit: 3001 S. Emily Dr. Beeville, Texas 78102 and are assigned to work in the department of Administrative Segregation when the MAJOR Use of Force occurred.

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## III. EXHAUSTION OF GRIEVANCE:

The grievance is only a remedie of the condition of CONFINEMENT — NOT THE REMEDIE OF USE OF FORCE

OTHER LAW SUITS

(1) 1. Date Filed: July 9<sup>th</sup> 1996.

2. The Style of Case: Rodney W. Saylor vs. Mikael Skau.

3. Case number: C-96-430.

4. The Judge Assign is: Hayden Head JR.

5. Action of Case: Dismissed Sept 15<sup>th</sup> 1996.

(2) 1. Date Filed: July 9<sup>th</sup> 1996.

2. The Style of Case: Rodney W. Saylor vs. Joseph Lang.

3. Case number: C-96-346.

4. The Judge Assign is: Hayden Head JR.

Action of Case: Dismissed Sept 15<sup>th</sup> 1996.

(3) 1. Date of Case: August 9<sup>th</sup> 1996.

2. The Style of Case: Rodney W. Saylor vs. James Collins.

3. Case number: C-96-398.

4. The Judge Assign is: Janis GRAME JACK.

5. Action of Case: Dismissed Sept 15<sup>th</sup> 1996.

(4) 1. Date Filed: Dec 19<sup>th</sup> 1997

2. Style of Case: Rodney W. Saylor vs. Carlos Garcia.

3. Case number: C-97-655.

4. The Judge Assign is: B. ELLington.

5. Action of Case: Lost in Court March 16<sup>th</sup> 1999.

Rodney Saylor  
ID number #555009

PPG file:

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Parties To Suit:

6. # White male --- John Doe --- On the 2 man team, that was involved in the Use of Force: M<sup>c</sup> Connell Unit of 3001 S. Emily Dr. Beeville, Tx 78102

He assist the other #2 as to push on me and call me "Plaintiff" in the cell during the commission of the Use of Force.

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7. #2 White male --- John Doe --- On the 2 man team that was involved in the Use of Force: M<sup>c</sup> Connell Unit of 3001 S. Emily Dr. Beeville, Tx 78102

He assist the other team #1 as to push on me and call me "Plaintiff" in the cell during the commission of the Use of Force.

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8. Lucy Martinez "Nurse" M<sup>c</sup> Connell Unit 3001 S. Emily Dr. Beeville Texas 78102. She assigned to the dept of Administrative Segregation.

She was present at the time the Use of Force was being conducted. She only did a cell side examine

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9. Christopher W. Smith cotti Assigned to work upon this Pool from the hrs of 6:30 AM to 6:30 PM address of 3001 S. Emily Dr. Beeville, Texas 78102

Officer Smith assist the 2 man team by helping them push and roll ~~them~~<sup>me</sup> in my cell.

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10. Teresa I. Chavarria cotti M<sup>c</sup> Connell 3001 S. Emily Dr. Beeville, Texas 78102

She was operated the video ~~the~~ polaroid camera taken the picture

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11.       ? Martinez cotti M<sup>c</sup> Connell Unit 3001 S. Emily Dr. Beeville, Tx 78102

He was assigned to this pool and was operated the video camera

- II. PLACE OF PRESENT CONFINEMENT: Mc Connell Unit
- III. EXHAUSTION OF GRIEVANCE PROCEDURES:

Have you exhausted both steps of the grievance procedure in this institution? ☒ YES ☐ NO  
 Attach a copy of the Step 2 grievance with the response supplied by the prison system. Never  
RECEIVED NO RESPOND "SEE ATTACHED SHEET"

IV. PARTIES TO THIS SUIT:

A. Name of address of plaintiff: RODNEY W. Saylor #505009  
Mc Connell Unit 3001 S. Emily Dr.  
Beeville, Tx 78102

B. Full name of each defendant, his official position, his place of employment, and his full mailing address.

Defendant #1: E. KENNEDY; Ass. Warden, Mc Connell Unit  
3001 S. Emily Dr Beeville, Tx 78102

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

New about the problems AND NEVER INVESTIGATED IT

Defendant #2: RICHARD MORRIS; Major Mc Connell Unit  
3001 S. Emily Dr. Beeville, Tx 78102

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

New about the problem AND NEVER INVESTIGATED IT

Defendant #3: RENE MALDORADO; CAPT AND SEG Mc Connell Unit  
3001 S. Emily Dr. Beeville, Tx 78102

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

New about THE PROBLEM AND NEVER INVESTIGATE IT

Defendant #4: RAYMOND G. ALEMENDAREZ; LT Mc Connell Unit  
3001 S. Emily Dr. Beeville, Tx

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

STOOD BY while THE SGT CONDUCTED THE USE OF FORCE

Defendant #5: ANDRES GALLEGOS "Sgt" Mc Connell Unit 3001  
S. Emily Dr. Beeville, Tx 78102

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

STOOD BY AND DIDN'T OPERATE THE USE OF FORCE properly.

SEE ATTACHED -- For additional PARTIES to suite

V. STATEMENT OF CLAIM:

State here in a short and plain statement the facts of your case, that is, what happened, where did it happen, when did it happen, and who was involved. Describe how each defendant is involved. You need not give any legal arguments or cite any cases of statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach extra pages if necessary, but remember that the complaint must be stated briefly and concisely. IF YOU VIOLATE THIS RULE, THE COURT MAY STRIKE YOUR COMPLAINT.

SEE CIVIL CLAIM Attached

STATEMENT OF CLAIM1 OF 1

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on the DATE OF DEC. 6<sup>th</sup> 2002. APPROX 8:00 A.M. the Sgt, Gallegos AND Lt, Came to my CELL FOR A '2 HR. CELL SEARCH' that WAS ORDERED by MAJOR MOORIS WARDER KENNEDY MALDONADO CAPTAIN on A I.O.C. FORM Stating I'm a THREAT TO SUCERITY, At this TIME I WAS PULLED OUT OF CELL 71 AND WAS PLACED IN THE SHOWER, 10 min<sup>s</sup> LATER, I WAS PULLED OUT, AS I WAS Fixing to STEP into CELL 71, I NOTICE all OF my PERSONAL AND LEGAL PROPERTY WAS Slung ALL OVER THE CELL FLOOR, I STOPPED BETWEEN THE CELL on the RUN AND ASK the Sgt. WHY WAS ALL my PROPERTY done this way? the Sgt, STATED, I don't EXPECT FOR my OFFICER [S]' to PUT EVERY thing back in PLACE, So I Sit down on the RUN in - BETWEEN the RUN & CELL door, At this TIME. Sgt, ASK me TO STAND UP So the OFFICER'S could PLACE me back into the CELL, So I ASK the Sgt, why he LET his EMPLOYEES do my PROPERTY like that, no RESPOND, So the Sgt, then ORDERED the TWO ASSIST the OFFENDER to his FEET, AND IF he doesn't STAND UP, the MINIMUM AMOUNT OF FORCE WILL BE USED to GAIN COMPLIANCE - then the TWO OFFICER TRIAD to PICK me UP AND TRIAD to Push and Roll me INTO the CELL Slammed my INTO the CONCRETE AND TWISTED my [BACK!], AND A SHARP PAIN IN the PROCESS trying to FORCE me INTO the CELL..... then the DOOR WAS CLOSED xxxxx then the NURSE SEEN



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ME CELL SIDE, then the NURCE MARTINEZ STATED, I SEE NO INJURIES...

THEN APPROX 10:30 A.M. DATE DEC 6<sup>th</sup> 2002, Sgt, GALLEGOS CAME back to my cell 71 FOR ANOTHER 2 HRS CELL SEARCH, SO I WAS STRIPPED SEARCHED AGAIN, AS THE DOOR WAS BEING OPENED, I KNEELED DOWN AND LAY-ED ON MY STUMIC, THEN AFTER BEING CELL SEARCHED, THEN THE TEAM PICKS ME UP AND PLACES ME BACK INTO THE CELL AND THE DOOR WAS CLOSED xxxxx THEN I TOLD THE NURCE MARTINEZ I NEED TO SEE THE DOCTOR FOR MY BACK AND THE KNOT ON MY FORE HEAD, THE NURCE SAID I WOULD BE SCHEDULED, ON THE DATE OF 12-10-02, I PUT IN A NURCE SICK CALL AND ON 12-15-2002 I PUT IN ANOTHER SICK CALL AND NEVER RECEIVED AN ANSWER, SO ON THE DATE OF 12-31-02 I RECEIVED A SICK CALL AND STATES I DECLINED APPT, IN WHICH I DIDN'T REFUSE

## "RETALIATION AND HARRASSMENT"

### WITH MINOR USE-OF-FORCE....

ON THE DATE OF DEC. 10<sup>th</sup> 2002, APPROX 7:30 P.M. OK SO, Sgt, ARMANDO AND Lt, GARCIA CAME TO MY CELL TO CONDUCT A 2 HR, CELL SEARCH. AT THIS TIME, I STRIP SEARCH AND WAS HAND CLIPPED, AND AS THE DOOR WAS BEING ROLLED, I TRIED TO KNEEL DOWN AND WAS PUSHED BACK INTO THE CELL, THEN THE Lt, GARCIA SAID LETS GO SUIT UP A (5)MAN TEAM AND LETS SEE IF HE STUDES UP THIS TIME, APPROX 7:55 P.M.



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OR SO, THE TEAM CAME THIS FOR A CELL SEARCH, AS I WAS BEING PULLED OUT, THE DOOR WAS OPEN, THEN I KNEELED DOWN TO LAY ON MY STUMIC IN FEAR OF MY LIFE WHEN LT, GARCIA SAID HE WOULD HAVE THE TEAM SLAM ME HEAD FIRST IF I TRY TO KNEEL DOWN AGAIN, SO LUCKY NOTING HAPPEND, SO I WAS PICKED ~~UP~~ UP AND WAS PLACED ON THE RUN FOR THE CELL SEARCH, THEN I WAS PLACED BACK INTO THE CELL WITH SLUNG EVERY WHERE -- MY [back] WAS STILL HURTING ME, I TOLD THE NURSE, BUT SAID THEIR WAS NOTHING WRONG WITH ME xxxxx

THEN APPROX 9:30 P.M. LT, GARCIA AND THE Sgt, ARMANDO CAME BACK TO MY CELL TO CONDUCT A (2) HR, CELL SEARCH, SO I WAS STRIPPED SEARCH AGAIN, THEN I WAS HAND CUFFED, THEN THE CELL DOOR WAS OPEN, I WAS ORDERED TO BACK OUT OF THE CELL, AT THAT TIME, I KNEELED DOWN IN FEAR OF BEING SHOT AND LAYED ON MY STUMIC, THEN THE TEAM PICKS ME UP AND PLACES ME ON THE RUN TO CONDUCT A CELL SEARCH, THEN I WAS PLACED BACK INTO THE CELL, THEN THE TEAM BACKS OUT AND SHUTS THE DOOR, THEN AFTER THE CAMERA WAS TURNED OFF, THE LT, STATED, YOU WILL MINE WHITE BOY. I'VE BEEN HAVING SERIOUS PROBLUMS WITH THESE OFFICERS.

"RETRALIATION AND HARRASSMENT"  
WITH MINOR USE-OF-FORCE

SEE NEXT PAGE →

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ON THE DATE OF NOV 5<sup>th</sup> 2002, APPROX 9:05 P.M. OR SO, 12/F/74 CELL, CAPTAIN M. SKAU, COMES TO MY CELL AND STATED, WHY DID YOU JACK FOR A HAND CUFF KEY, I SAID I DIDNT, SO THE CAPTAIN TOLD SGT, BARRERA TO SUIT UP A(S) MEN TEAM AND IF HE MAKES A FAIS MOVE, SLAM HIM. SO I WAS PULLED OUT BUT NAKED ON CAMERA FOR A CELL SEARCH, THEN THE CAPTAIN SAID WE ARE TAKING ALL OF YOUR PROPERTY, I WAS NOT ON PROPERTY RESTRICTION, THEN THE CAPTAIN PLACES ME IN 77 CELL THE SO CALLED HOT BOX WITH NO VENTELATION AND NO MATTERS WITH ONLY ~~AND~~ A BLANKET AND A SHEET WITH NO RUNNING WATER FOR 4 DAYS, THEN I WAS MOVED, MY LEGAL PROPERTY WAS MISSING AND LEGAL PAPERS AND LAW BOOKS. THEN CAME BACK 4 HRS, LATTER AND STATED, THATS FOR DISRESPECTING MY WARDEN.

SEE CIVIL CLAIM ATTACHED

## VI. RELIEF:

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

"See Attached Relief"

## VII. BACKGROUND INFORMATION:

- A. State, in complete form, all names you have ever used or been known by including any and all aliases:

N/A

- B. List all TDCJ-ID identification numbers you have ever been assigned and all other state or federal prison or FBI numbers ever assigned to you, if known to you.

#466606 #505009

## VII. SANCTIONS:

- A. Have you been sanctioned by any court as a result of any lawsuit you have filed?

\_\_\_ YES ☒ NO

- B. If your answer is "yes", give the following information for every lawsuit in which sanctions were imposed. (If more than one, use another piece of paper and answer the same questions.)

1. Court that imposed sanctions (if federal, give district and division): N/A

2. Case Number: N/A

3. Approximate date sanctions were imposed. N/A

4. Have the sanctions been lifted or otherwise satisfied? \_\_\_ YES ☒ NO

- C. Has any court ever warned or notified you that sanctions could be imposed? \_\_\_ YES ☒ NO

- D. If your answer is "yes", give the following information for every lawsuit in which warning was imposed. (If more than one, use another piece of paper and answer

## "Damage Award Requested"

DOLLAR'S

TO AWARD THE PLAINTIFF THE AMOUNT OF \$100,000 FROM EACH OF THE INDIVIDUAL'S OF THE DEFENDANTS THAT PARTICIPATED IN THE WRONGFUL USE-OF-FORCE....

DOLLAR'S

TO AWARD THE PLAINTIFF THE AMOUNT OF \$50,000 FROM THE DEFENDANTS "FOR PUNITIVE DAMAGES" OF THE INJURIES THAT I SUFFERED DURING THE USE-OF-FORCE OF MY BACK WITH A SHRAP PAIN TO THE LOWER PART OF MY BACK... THAT HAS LASTED FOR UP TO 25 DAYS, AND FOR THE INJURIES I'VE SUFFERED WITH A KNOT TO THE FOREHEAD THAT LASTED 6 DAYS AND THE MOSTION DISTRESS OF HEADACHES, AND FOR CAPTAIN M. SHAW, LEAVING ME IN A CELL WITH NO WATER, NO VENTILATION, NO MATTRESS, NO PROPERTY, and FOR HUMILIATING ME BY STRIPPING ME BUT NAKED ON THE RUN WITH THE CAMERA ON AT THE TIME...

TO AWARD \$50,000 DOLLARS IN NORMAL DAMAGES OF MY RIGHT OF THE 8th AMENDMENT FREE FROM CRUEL AND UNUSUAL PUNISHMENT OF THE UNITED STATES CONSTITUTION. ---

"PLAINTIFF" RODNEY WAYNE SAYLORS #505009

Sign, x Saylor

# DERIVATIVE Tort Claim and ACKNOWLEDGEMENT OF DEFENDANT'S

THE DEFENDANT ASSIT. WARDEN E. KENNEDY, had knowledge of the problem which I am having with CERTAIN EMPLOYEES as thr-  
-EATING and INFLECTING harm and bodily INJURIES and to HAVE  
them GASS and POSSIBLE Run In -- I've spoken to her WAR-  
-DEN UPON the DATE OF 11-27-02 AND on 12-5-02, AND 12-16-02,  
as she MADE her Rounds on F-Pod, on 12-17-02, she pulled me  
out for a WARDEN INTERVIEW with her, she always says she  
will take care of the problem I'm having. nothing been done --

I've also spoken to the MAJOR R. MORRIS, on the  
DATE OF 11-30-02, about the problem that is OCCURRING when  
he MADE his Rounds, he TELLS me to send an I-60 in which I  
HAVE, with COPIES,, and NEVER RECEIVE A RESPOND --

As of CAPTAIN R. MALDONADO, has MADE his  
Rounds upon 12-5-02, alone with the WARDEN. I brought it to  
his attention about the problem's I'm having with these  
EMPLOYEES, he said he would check into it -- When he MADE  
his Rounds again on 12-6-02, and I ask him has he done  
any thing about these REFUSING my Food and he said he  
do an INVESTIGATION, Nothing was done --

DEFENDANT'S,

E. Kennedy WARDEN

R. MORRIS MAJOR

R. Maldonado CAPTAIN

PLAINTIFF

RODNEY SAYLORS

#505009

Pg. 1<sup>st</sup>BACK GROUND HISTORY

WARDEN = E. KENNEDY, ON THE DATE OF 11-1-02, I HAD TALKED TO HER ABOUT GETTING MY PROPERTY BACK, SHE STATED, YOUR ON PROPERTY RESTRICTION, AND IF YOU ASSAULT ANOTHER ONE OF MY OFFICERS, YOU WON'T NEVER GET IT BACK.. SO WE HAD A SERIOUS FALL OUT CUSSING AT EACH OTHER, I ONLY RECEIVED PORTION'S OF MY PROPERTY OF JUST SOME PERSONAL LETTERS & PICTURES READING BOOKS. LEGAL PROPERTY WAS GONE.. SO I FEEL THE WARDEN HAS RETALIATED AND HARASSED ME OF THE PAST MATTERS AT HAND..

MAJOR = R. MOORIS, I'VE SPOKEN TO MAJOR MOORIS ABOUT THE PROBLEMS I'M HAVING, HE STATED, IF I WOULD'NT HAD DISRESPECTED THE WARDEN, YOU WOULD GET SOME HELP, I CAN'T HELP YOU, IT'S OUT OF MY HANDS NOW.. YOU WILL LEARN NOT TO OPEN YOUR LOUD MOUTH,,--- THAT WAS ON THE DATE OF 11-20-02,

CAPTAIN = R. MALDONADO, ON THE DATE OF 5-22-1997, WHEN CAPTAIN WAS A LT, WE'VE HAD MANY FALL-OUTS OF LYING AND TELLING HIS FELLOW OFFICER [S] NOT TO FEED ME UNTIL HE HAS SETTLE DOWN, I MUST SEVARAL MEELS WHEN HE WAS A LT. NOW HE IS AD SEG CAPTAIN AND HAS INFORMATION FROM ME ON THE ABUSIVE I'M RECEIVING, AND WILL NOT CORRECT THE PROBLEM..



the same questions.)

1. Court that imposed warning (if federal, give the district and division): N/A
2. Case number: N/A
3. Approximate date warnings were imposed: N/A

Executed on: 1-14-03  
DATE

Rodney W. Saffers  
Rodney W. Saffers  
(Signature of Plaintiff)

#### PLAINTIFF'S DECLARATIONS

1. I declare under penalty of perjury all facts presented in this complaint and attachments thereto are true and correct.
2. I understand if I am released or transferred, it is my responsibility to keep the Court informed of my current mailing address and failure to do so may result in the dismissal of this lawsuit.
3. I understand that I must exhaust all available administrative remedies prior to filing this lawsuit.
4. I understand I am prohibited from bringing an *in forma pauperis* lawsuit if I have brought three or more civil actions in a Court of the United States while incarcerated or detained in any facility, which lawsuits are dismissed on the ground they were frivolous, malicious, or failed to state a claim upon which relief may be granted, unless I am under imminent danger of serious physical injury.
5. I understand even if I am allowed to proceed without prepayment of costs, I am responsible for the entire \$150 filing fee and costs assessed by the Court, which shall be deducted in accordance with the law from my inmate account by my custodian until the filing fee is paid.

Signed this 14<sup>th</sup> day of JAN, 2003  
(Day) (Month) (Year)

Rodney W. Saffers  
Rodney W. Saffers  
(Signature of Plaintiff)

**WARNING:** The Plaintiff is hereby advised any false or delioerately misleading information provided in response to the following questions will result in the imposition of sanctions. The sanctions the Court may impose include, but are not limited to monetary sanctions and/or the dismissal of this action with prejudice.